

EXHIBIT D

The Honorable David G. Estudillo

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

ELIAS PEÑA, ISAAH HUTSON, and
RAY ALANIS,

Plaintiffs,

v.

CLARK COUNTY, WASHINGTON,

Defendant.

Case No.: 3:21-CV-05411-DGE

PLAINTIFF ELIAS PEÑA'S RESPONSES TO
DEFENDANT'S FIRST INTERROGATORIES
AND REQUESTS FOR PRODUCTION

JUDGE: Hon. Judge David G. Estudillo

TO: Defendant Clark County, Washington
Jayne L. Freeman, Audrey M. Airut Murphy
KEATING BUCKLIN & MCCORMACK, INC., P.S.
Attorneys for Defendant

PRELIMINARY STATEMENT

This responding party has not fully completed his investigation of the facts relating to this case, and has not fully completed his discovery in this action, and has not completed his preparation for trial. All of the answers contained here are based only upon such information and documents which are presently available to and specifically known to this responding party, and the responding party discloses his present contentions. It is anticipated that further discovery, independent investigation, legal research and analysis will supply additional facts, add meaning to the known facts, as well as establish entirely new factual conclusions and legal contentions, all of which may lead to substantial additions to, changes in, and variations from the contentions herein set forth. The following interrogatory responses are given without prejudice to this responding party's right to produce evidence of any subsequently discovered fact or facts, which this responding party may later recall. The responding party accordingly reserves the right to change any and all answers here as additional facts are ascertained, analyses are made, legal research is completed and contentions are made. The answers contained here are made in a good faith effort to supply as much factual information and as much specification of legal contentions as is presently known, but should in no way lead to the prejudice of the Plaintiff in relation to further discovery, research or analysis. These introductory comments shall apply to each and every response given here, and shall be incorporated by reference as though fully set forth in each of the responses appearing hereafter.

GENERAL OBJECTIONS

Plaintiff makes the following general objections to each of Defendant's individual Interrogatories and Request for Production.

1. Plaintiff objects generally to Interrogatories Nos. 1 through 23 and Request for Production Nos. 1 through 22 insofar as each request is not full and complete in and of itself, contains subparts, or is compound, conjunctive or disjunctive.

2. Plaintiff objects to each and every Interrogatory and Request for Production to the extent that the request seeks information that is not required to be provided and/or that imposes obligations upon Plaintiff that go beyond the scope of permissible discovery under the Federal

1 Rules of Civil Procedure.

2 3. Plaintiff objects to each and every Interrogatory and Request for Production to the
3 extent that the request seeks information protected from disclosure by the attorney-client
4 privilege, the attorney work product doctrine, and/or other applicable privileges, including
5 privacy and financial privacy. Such information shall not be provided in response to
6 Defendant's First Set of Interrogatories and Request for Production and any inadvertent
7 disclosure shall not be deemed a waiver of any privilege with respect to such information or of
8 any work product doctrine.

9 4. Plaintiff objects to each and every Interrogatory and Request for Production to the
10 extent that the request requires Plaintiff to provide information that is not within his possession,
11 custody, or control.

12 5. Plaintiff objects to each and every Interrogatory and Request for Production to the
13 extent that the request seeks private, proprietary, confidential, and/or sensitive information.

14 6. Plaintiff objects to each and every Interrogatory and Request for Production to the
15 extent that the request seeks information, the disclosure of which would violate his and/or any
16 third parties' privacy and/or confidentiality rights.

17 7. The fact that Plaintiff has responded to or objected to any Interrogatory and
18 Request for Production may not be taken as an admission about the existence or non-existence of
19 any document or fact set forth in or assumed by such response, or that such response constitutes
20 relevant evidence. Additionally, the fact that Plaintiff has responded to part or all of the
21 Interrogatory or Request for Production shall not be construed to be a waiver of any objections
22 to part or all of the Interrogatory.

23 8. Plaintiff objects to each request to the extent that the request seeks information to
24 which Defendant has substantively similar access to obtain.

25 9. Plaintiff objects to each request to the extent that the request seeks the content or
26 production of documents.

27 10. Plaintiff objects to each request to the extent that the request is vague, ambiguous,
28 over-broad, oppressive or burdensome.

1 11. Plaintiff objects to each and every Interrogatory and Request for Production to the
2 extent it seeks information that is neither relevant to the subject matter of this action nor
3 reasonably likely to lead to the discovery of admissible evidence. Plaintiff does not waive: (a)
4 any objection as to the admissibility of evidence, competency of, relevancy of, materiality of, or
5 privilege attaching to disclosure of any information; or (b) the right to object to other discovery
6 requests or undertakings involving or reflecting the subject matter of the information requested.
7 No response to any Interrogatory constitutes or should be construed as an admission respecting
8 relevancy or admissibility of the disclosed information, or the truth or accuracy of any statement,
9 characterization or other fact contained in any response to these requests. Plaintiff expressly
10 does not concede the relevance or materiality of any of the Interrogatories or Requests for
11 Production.

12 12. Plaintiff objects to each instruction, definition, request for production and
13 interrogatory as overbroad and unduly burdensome to the extent it seeks documents or
14 information that are readily or more accessible to Defendant from Defendant's own files, from
15 documents or information in Defendant's possession, or from documents or information that
16 Defendant previously produced to Plaintiff. Responding to such requests and interrogatory
17 would be oppressive, unduly burdensome, and unnecessarily expensive, and the burden of
18 responding to such requests and interrogatory is substantially the same or less for Defendant as
19 for Plaintiff.

20 13. Plaintiff objects to each and every Interrogatory and Request for Production to the
21 extent that the request uses improper compound questions and seeks additional requests for
22 information.

23 14. The following responses are based upon facts and information known to Plaintiff
24 at the time of responding to these Interrogatories and on the current status of the proceedings.
25 Plaintiff expressly reserves the right to supplement, modify, or amend the responses and
26 objections in accordance with the provisions of the Federal Rules of Civil Procedure and other
27 applicable law.
28

RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 1.: State your full name, birth date, present residence address, occupation, and social security number, and any other full name or social security number by which you have ever been known.

ANSWER:

Plaintiff asserts all the General Objections listed above. In particular, Plaintiff objects that this Request is overbroad because it seeks Plaintiff's "social security number," which is not relevant in cases that involve employment discrimination under *Rivera v. NIBCO, Inc.*, 384 F.3d 822 (9th Cir. 2004). Plaintiff objects to the extent Defendant seeks information that is readily or more accessible to Defendant from Defendant's own files, from documents or information in Defendant's possession, or from documents or information that Defendant previously produced to Plaintiff.

Subject to, and without waiving the foregoing objections, Plaintiff responds as follows:

- Full Name: Elias Cortez Peña
- Birth Date [REDACTED]
- Present residential address: 5515 NE 89th Avenue Unit C, Vancouver, WA 98662
- Occupation: Highway maintenance specialist
- Other names used: none

INTERROGATORY NO. 2.: State your residence address and telephone numbers for the last ten (10) years, and persons with whom you resided at each address, including their current address and telephone number.

ANSWER:

Plaintiff incorporates his General Objections above. Plaintiff further objects to this request as burdensome, oppressive, harassing, and abusive of the discovery process to the extent the interrogatory, individually and cumulatively, calls for the disclosure of information that is not relevant to any contentions and allegations in the Complaint. Also, Plaintiff objects to the extent Defendant seeks information that is readily or more accessible to Defendant from Defendant's own files, from documents or information in Defendant's possession, or from

documents or information that Defendant previously produced to Plaintiff, and which Plaintiff is therefore not under the obligation to produce. Plaintiff further objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, oppressive, and irrelevant to any party's claim or defense and proportional to the needs of the case. Plaintiff further objects to this question because it seeks information that is neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to, and without waiving the foregoing objections, Plaintiff responds as follows: Since 2011, Plaintiff has resided at 5515 NE 89th Avenue Unit C, Vancouver, Washington 98662. He lives with the following individuals:

- Stephanie Peña (wife): 360-773-2104
- [REDACTED]
- [REDACTED]
- [REDACTED]

INTERROGATORY NO. 3: For each marriage you have entered into, please state your spouse's name, current residence address, occupation, date of marriage, and date and means any marriage terminated.

ANSWER:

Plaintiff incorporates his General Objections above. Plaintiff further objects to this request as burdensome, oppressive, harassing, and abusive of the discovery process to the extent the interrogatory, individually and cumulatively, calls for the disclosure of information that is not relevant to any contentions and allegations in the Complaint. Plaintiff further objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, oppressive, and irrelevant to any party's claim or defense and proportional to the needs of the case. Plaintiff further objects to this question because it seeks information that is neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to, and without waiving the foregoing objections, Plaintiff responds as follows: Plaintiff has been married once and has remained married to Stephanie Peña (Adams), with whom he resides. Plaintiff and Stephanie were married on August 16, 2014. She works as a

homemaker.

INTERROGATORY NO. 4.: Please identify by name and address all schools and/or training you have attended, including elementary school, high school, college, vocational/trade school, or classes or training of any kind. For each, include dates of attendance, subject studied, and whether you received a diploma or certificate of completion.

ANSWER:

Plaintiff incorporates his General Objections above. Plaintiff further objects to this request as burdensome, oppressive, harassing, and abusive of the discovery process to the extent the interrogatory, individually and cumulatively, calls for the disclosure of information that is not relevant to any contentions and allegations in the Complaint. Also, Plaintiff objects to the extent Defendant seeks information that are readily or more accessible to Defendant from Defendant's own files, from documents or information in Defendant's possession, or from documents or information that Defendant previously produced to Plaintiff, and which Plaintiff is therefore not under the obligation to produce. Plaintiff further objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, oppressive, and irrelevant to any party's claim or defense and proportional to the needs of the case. Plaintiff further objects that this Interrogatory is overbroad, in that it specifies a longer time period for the documents sought than is at issue in the complaint. Plaintiff further objects to this question because it seeks information that is neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to, and without waiving the foregoing objections, Plaintiff responds as follows:

(1) Fort Vancouver High School Center for International Studies

5700 E 18th Street, Vancouver, WA 98661

(360) 313-4000

Attended: 1999 - 2003

Status: Graduated

(2) Discovery Middle School

800 E 40th Street, Vancouver, WA 98663

1 (360) 313-3300

2 Attended: 1997 - 1999

3 Status: Graduated

4 (3) McLoughlin Middle School

5 5802 MacArthur Blvd, Vancouver, WA

6 (360) 313-3600

7 Attended: 1996 - 1997

8 Status: Transferred to Discovery Middle School

9 (4) Harney Elementary School

10 3212 E Evergreen Blvd, Vancouver, WA 98661

11 (360) 313-2000

12 Attended: Completed in 1996

13 Status: Graduated

14 **REQUEST FOR PRODUCTION NO. 1.:** Please produce a true and correct copy of
 15 any and all supporting documents to the Interrogatory No. 4, including diplomas, certificates of
 16 training, or other certifications.

17 **RESPONSE:**

18 Plaintiff asserts all the General Objections listed above. In particular, Plaintiff objects
 19 that this Request is overbroad because it seeks “all schools and/or training attended, including
 20 elementary school” instead of limiting the request to communications on subject matter that is
 21 calculated to lead to the discovery of information relevant to the subject matter of this action or
 22 to the discovery of admissible evidence, and irrelevant to any party’s claim or defense and
 23 proportional to the needs of the case. Plaintiff further objects that this Request is overbroad, in
 24 that it specifies a longer time period for the documents sought than is at issue in the complaint.
 25 Plaintiff also objects to the extent that Defendant seeks information already in its possession.

26 Subject to, and without waiving the foregoing objections, Plaintiff responds that after a
 27 diligent search all non-privileged responsive documents in Plaintiff’s possession, custody, and
 28 control, Plaintiff responds as follows: Plaintiff does not have diplomas, certificates of training,

1 or other certifications in his possession, custody, or control. Plaintiff reserves the right to
 2 supplement this answer.

3 **INTERROGATORY NO. 5.:** Identify and provide the names, address, and telephone
 4 number of all doctors, physicians, osteopaths, psychologists, psychiatrists, counselors or other
 5 physical or mental health care providers who have treated, evaluated, or provided counseling to
 6 you during the past ten (10) years. For each, state the nature of the treatment and approximate
 7 date(s) thereof.

8 **ANSWER:**

9 Plaintiff incorporates his General Objections above. Plaintiff further objects to this
 10 request as burdensome, oppressive, harassing, and abusive of the discovery process to the extent
 11 the interrogatory, individually and cumulatively, calls for the disclosure of information that is
 12 not relevant to any contentions and allegations in the Complaint. Also, Plaintiff objects to the
 13 extent Defendant seeks documents or information that is readily or more accessible to Defendant
 14 from Defendant's own files, from documents or information in Defendant's possession, or from
 15 documents or information that Defendant previously produced to Plaintiff, and which Plaintiff is
 16 therefore not under the obligation to produce. Plaintiff further objects to this interrogatory on
 17 the grounds that it is overly broad, unduly burdensome, oppressive, and irrelevant to any party's
 18 claim or defense and proportional to the needs of the case. Plaintiff objects to the Request to
 19 the extent that it seeks information which is confidential and protected by constitutional,
 20 statutory, and common law rights to privacy, and psychotherapist-patient privilege. Plaintiff
 21 further objects that this Interrogatory is overbroad, in that it specifies a longer time period for the
 22 documents sought than is at issue in the complaint. Plaintiff further objects to this question
 23 because it seeks information that is neither relevant to the subject matter of this action nor
 24 reasonably calculated to lead to the discovery of admissible evidence.

25 Subject to, and without waiving the foregoing objections, Plaintiff responds as follows:

- 26 • Blair Osborn, Therapist
 - 27 ○ SeaMar – CSNW Behavioral Health
 - 28 ○ 317 E 39th Street, Vancouver, Washington 98663

- 360-546-1722
- On or about February 2020
- Anxiety, depression, PTSD
- Dr. Cameron Coffee, Primary care doctor
 - Vancouver Clinic
 - 700 NE 87th Avenue, Vancouver, Washington 98664
 - 360-882-2778
 - Plaintiff has been Dr. Coffee's patient since 2017

INTERROGATORY NO. 6.: Please state the username, telephone number, email address, and service provider for each and every social media account, email account, and/or cellular telephone you have used during the past ten (10) years.

ANSWER:

Plaintiff incorporates his General Objections above. Plaintiff further objects to this request as burdensome, oppressive, harassing, and abusive of the discovery process to the extent the interrogatory, individually and cumulatively, calls for the disclosure of information that is not relevant to any contentions and allegations in the Complaint. Also, Plaintiff further objects that this request calls for information that is more readily available to Defendant, including information contained in Defendant's files, and which Plaintiff is therefore not under the obligation to produce. Plaintiff further objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, oppressive, and irrelevant to any party's claim or defense and proportional to the needs of the case. Plaintiff further objects that this Interrogatory is overbroad, in that it specifies a longer time period for the documents sought than is at issue in the complaint. Plaintiff further objects to this question because it seeks information that is neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff objects to this Interrogatory because it requests information that is privileged under Washington RCW 49.44.200(1). Plaintiff does not otherwise have non-privileged usernames, telephone numbers, email addresses, and service providers for each and every social media account, email account, and/or cellular telephone in

1 Plaintiff's possession, custody, and control.

2 **INTERROGATORY NO. 7.:** Identify all employers (including periods of self-
3 employment and any current employment) for whom you have worked for the past fifteen (15)
4 years, including temporary, contract work, consulting, or volunteer work, and for each state the
5 name, dates of employment, location/address, the position(s)/job title(s) held by you, your rate of
6 pay, and the name, address and telephone number of your immediate supervisor.

7 **ANSWER:**

8 Plaintiff incorporates his General Objections above. Plaintiff further objects to this
9 request as burdensome, oppressive, harassing, and abusive of the discovery process to the extent
10 the interrogatory, individually and cumulatively, calls for the disclosure of information that is
11 not relevant to any contentions and allegations in the Complaint. Also, Plaintiff objects to the
12 extent Defendant seeks documents or information that are readily or more accessible to
13 Defendant from Defendant's own files, from documents or information in Defendant's
14 possession, or from documents or information that Defendant previously produced to Plaintiff,
15 and which Plaintiff is therefore not under the obligation to produce. Plaintiff further objects to
16 this interrogatory on the grounds that it is overly broad, unduly burdensome, oppressive, and
17 irrelevant to any party's claim or defense and proportional to the needs of the case. Plaintiff
18 further objects that this Interrogatory is overbroad, in that it specifies a longer time period for the
19 documents sought than is at issue in the complaint. Plaintiff further objects to this question
20 because it seeks information that is neither relevant to the subject matter of this action nor
21 reasonably calculated to lead to the discovery of admissible evidence.

22 Subject to, and without waiving the foregoing objections, Plaintiff responds as follows:

- 23 • Current Employer: Clark County, Washington
 - 24 ○ Start date: August 15, 2017
 - 25 ○ Address: 1300 Franklin Street, Vancouver, WA 98660
 - 26 ○ Job title: Highway maintenance specialist
 - 27 ○ Pay rate: currently \$25.07 per hour
 - 28 ○ Immediate supervisor: Nick Eislan

- 1 • Employer: Northwest Staffing Resources – Fitesa Washougal, Inc.
 - 2 ○ Start date: November/December 2016
 - 3 ○ End date: June 2017
 - 4 ○ Address: 3720 Grant Street, Washougal, WA 98671
 - 5 ○ Job title: Paper mill
 - 6 ○ Pay rate: approx., \$20 per hour
 - 7 ○ Immediate supervisor: can't recall
 - 8 ○ Phone: 360-835-8787
- 9 • Employer: Northwest Staffing Resources – Clark County, Washington
 - 10 ○ Start date: April/May 2016 & June 2016
 - 11 ○ End date: October/November 2016 & August 2016
 - 12 ○ Address: 700 Washington Street, Suite 601, Vancouver 98660
 - 13 ○ Job title: Flagger
 - 14 ○ Pay rate: \$14 per hour
 - 15 ○ Immediate supervisor: Kenny Price
 - 16 ○ Phone: 360-695-4900
- 17 • Employer: Tetra Pak, Inc.
 - 18 ○ Start date: January 2015
 - 19 ○ End date: April/May 2016
 - 20 ○ Address: 1616 W 31st Street, Vancouver, Washington 98660
 - 21 ○ Job title: Take off, promoted to Helper
 - 22 ○ Pay rate: about \$24 per hour
 - 23 ○ Immediate supervisor: Can't recall
 - 24 ○ Phone: 360-693-3664
- 25 • Employer: ESCO
 - 26 ○ Start date: 2010
 - 27 ○ End date: November 24, 2014
 - 28 ○ Address: 2141 NW 25th Avenue, Portland, OR 97210

- 1 ○ Job title: Class A Molder
- 2 ○ Pay rate: about \$24 per hour
- 3 ○ Immediate supervisor: Jason Kelly
- 4 ○ Phone: 503-228-2141
- 5 • Employer: Purses Pressure Washing
 - 6 ○ Start date: 2009
 - 7 ○ End date: 2010
 - 8 ○ Address: 514 W. 16th Street, Vancouver, WA 98662
 - 9 ○ Job title: Pressure washer
 - 10 ○ Pay rate: about \$1,850 per month
 - 11 ○ Immediate supervisor: Martin
 - 12 ○ Phone: Business closed
- 13 • Employer: Boise Cascade Vancouver
 - 14 ○ Start date: 2006
 - 15 ○ End date: 2009
 - 16 ○ Address: 3309 NW Lower River Road, Vancouver, WA 98660
 - 17 ○ Job title: Forklift operator / material handler
 - 18 ○ Pay rate: about \$15–\$17 per hour
 - 19 ○ Immediate supervisor: Bill Briceno
 - 20 ○ Phone: 360-693-0057
- 21 • Employer: Ventura Foods
 - 22 ○ Start date: 2005
 - 23 ○ End date: 2006
 - 24 ○ Address: 9000 NE Marx Drive, Portland, OR 97220
 - 25 ○ Job title: Production line operator
 - 26 ○ Pay rate: about \$12–\$13.50 per hour
 - 27 ○ Immediate supervisor: Can't recall
 - 28 ○ Phone: 503-225-5512

1
2 **REQUEST FOR PRODUCTION NO. 2.:** Please produce, for inspection and copying,
3 any applications for employment, contracts, performance appraisals, records of commendation or
4 discipline, and other records received from or submitted to any of the employers identified in
5 response to the preceding Interrogatory.

6 **RESPONSE:**

7 Plaintiff asserts all the General Objections listed above. In particular, Plaintiff objects
8 that this Request is overbroad and unduly burdensome because it seeks “any applications for
9 employment, contracts, performance appraisals, records of commendation or discipline, and
10 other records” instead of limiting the request to communications on subject matter that is
11 calculated to lead to the discovery of information relevant to the subject matter of this action or
12 to the discovery of admissible evidence. Plaintiff further objects that this Request is overbroad,
13 in that it specifies a longer time period for the documents sought than is at issue in the complaint.
14 Plaintiff also objects to the extent that Defendant seeks information already in their possession.

15 Subject to, and without waiving the foregoing objections, Plaintiff responds that after a
16 diligent search all non-privileged responsive documents in Plaintiff’s possession, custody, and
17 control, Plaintiff responds as follows: Plaintiff has no documents or copies of any application for
18 employment, contracts, performance appraisal, or other records.

19 **REQUEST FOR PRODUCTION NO. 3.:** Please produce a true and correct copy of
20 any document, email, post, message, or other tangible or electronic item in your possession that
21 communicates to any person or agency any alleged concerns or occurrences involving Clark
22 County or any current or former employee or agent of Clark County.

23 **RESPONSE:**

24 Plaintiff asserts all the General Objections listed above. In particular, Plaintiff objects
25 that this Request is overbroad and unduly burdensome, in that it specifies no time period for the
26 documents sought. Plaintiff objects to the Request to the extent that it seeks information which
27 is privileged under attorney-client privilege and/or protected from disclosure under the work-
28 product doctrine, including draft reports. Plaintiff objects to the Request to the extent that it

1 seeks information which is confidential and protected by constitutional, statutory, and common
 2 law rights to privacy. Plaintiff also objects to the extent that Defendant seeks information
 3 already in their possession.

4 Subject to, and without waiving the foregoing objections, Plaintiff responds that he will
 5 produce non-privileged, responsive documents. Plaintiff responds as follows:

- 6 • FWD: CDL Endorsement (July 15, 2019)
- 7 • FWD: Meeting Request CDL Requirements (July 24, 2019)
- 8 • FWD: CDL Meeting Follow-Up (July 30, 2019)
- 9 • FWD: CDL Training Schedule (Aug. 1, 2019)
- 10 • FWD: Appeal of Discrimination and Harassment Decision (June 22, 2020)
- 11 • FWD: Discrimination and Retaliation Complaint (Aug. 18, 2020)
- 12 • FWD: Status on Decision for Discrimination and Harassment (Oct. 5, 2020)
- 13 • FWD: COVID-19 (Oct. 28, 2020)
- 14 • FWD: COVID-19 Guidance (Nov. 16, 2020)
- 15 • Response to Appeal of Discrimination and Harassment (Dec. 10, 2020)
- 16 • Workplace Sign-Up Sheet

17 Plaintiff reserves the right to supplement this answer.

18 **INTERROGATORY NO. 8:** Please state each and every agency or employer to which
 19 you have applied for employment or testing in the past ten (10) years. Please include in your
 20 response the date of each such application was made, the position for which you applied or
 21 tested, salary/benefits offered, dates of testing, interviews, or background investigation, names of
 22 persons with whom you spoke about the position, and whether you were interviewed and/or
 23 offered a position.

24 **ANSWER:**

25 Plaintiff incorporates his General Objections above. Plaintiff further objects to this
 26 request as burdensome, oppressive, harassing, and abusive of the discovery process to the extent
 27 the interrogatory, individually and cumulatively, calls for the disclosure of information that is
 28 not relevant to any contentions and allegations in the Complaint. Also, Plaintiff objects to the

1 extent Defendant seeks documents or information that is readily or more accessible to Defendant
 2 from Defendant's own files, from documents or information in Defendant's possession, or from
 3 documents or information that Defendant previously produced to Plaintiff, and which Plaintiff is
 4 therefore not under the obligation to produce. Plaintiff further objects to this interrogatory on
 5 the grounds that it is overly broad, unduly burdensome, oppressive, and irrelevant to any party's
 6 claim or defense and proportional to the needs of the case. Plaintiff further objects that this
 7 Interrogatory is overbroad, in that it specifies a longer time period for the documents sought than
 8 is at issue in the complaint. Plaintiff further objects to this question because it seeks information
 9 that is neither relevant to the subject matter of this action nor reasonably calculated to lead to the
 10 discovery of admissible evidence.

11 Subject to, and without waiving the foregoing objections, Plaintiff responds as follows:

- 12 • Current Employer: Clark County, Washington
 - 13 ○ Interview date: May/June 2017
 - 14 ○ Position applied for: M1 Road maintenance worker
 - 15 ○ Pay rate: currently \$25 per hour
 - 16 ○ Online application through portal that included resume
 - 17 ○ Practical re operating trucks and other vehicles
 - 18 ○ Persons spoke to regarding position: Carl Oman, Kenny Price, two others
 - 19 ○ Offered and accepted position.
- 20 • Previous application: Northwest Staffing Resources – Fitesa Washougal, Inc.
 - 21 ○ Interview date: November/December 2016
 - 22 ○ Position applied for: Paper mill worker
 - 23 ○ Pay rate: \$20 per hour
 - 24 ○ Northwest Staffing handled application process
 - 25 ○ Offered and accepted position
- 26 • Employer: Northwest Staffing Resources – Clark County
 - 27 ○ Interview date: March/April 2016
 - 28 ○ Position applied for: Flagger

- Pay rate: \$14 per hour
- Northwest Staffing handled application process
- Offered and accepted position
- Employer: Tetra Pak, Inc.
 - Interview date: November/December 2014
 - Position applied for: Take off
 - In-person application and interview
 - Testing required for higher position
 - Federal background check
 - Offered and accepted position
- Employer: ESCO
 - Interview date: December 2005
 - Position applied for: Class A Molder
 - Pay rate: \$24 per hour
 - In-person application and interview
 - Testing conducted about 2011 for Class A molder
 - Offered and accepted position

REQUEST FOR PRODUCTION NO. 4.: Please provide copies of any documents or tangible items related to or supporting your response to the foregoing interrogatory, including but not limited to copies of job or testing announcements, test scores, applications, resumes, contracts, correspondence, or email to or from potential employers.

RESPONSE:

Plaintiff asserts all the General Objections listed above. In particular, Plaintiff objects that this Request is overbroad and unduly burdensome. Also, Plaintiff objects to the extent that this Request seeks information that is not relevant to the subject matter or reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects that this Request is overbroad, in that it specifies a longer time period for the documents sought than is at issue in the complaint. Plaintiff also objects to the extent that Defendant seeks information already in

1 their possession.

2 Subject to, and without waiving the foregoing objections, Plaintiff responds that after a
3 diligent search all non-privileged responsive documents in Plaintiff's possession, custody, and
4 control, Plaintiff responds as follows: Plaintiff has no documents or copies of job
5 announcements, test score, application, resumes, email or other tangible items from potential
6 employers.

7 **REQUEST FOR PRODUCTION NO. 5.:** Please produce, for inspection and copying,
8 all W-2s, check stubs, and federal income tax returns prepared and/or filed by you for the past
9 ten (10) years.

10 **RESPONSE:**

11 Plaintiff asserts all the General Objections listed above. In particular, Plaintiff objects to
12 the extent that this Request seeks information that is not relevant to the subject matter or
13 reasonably calculated to lead to the discovery of admissible evidence. Plaintiff also objects to
14 the extent that Defendant seeks information already in their possession. Plaintiff further objects
15 to the extent the Request seeks documents that are irrelevant to any party's claim or defense and
16 proportional to the needs of the case, or there is no compelling need for the information that is
17 readily obtainable in Defendant's possession. Plaintiff does not otherwise have non-privileged
18 documents in Plaintiff's possession, custody, and control.

19 **INTERROGATORY NO. 9.:** Are you making a claim for expenses incurred for
20 medical or psychological treatment, evaluation, or counseling incurred as a result of any conduct
21 alleged in your Complaint? If the answer to the preceding question is "yes," state the following:
22 the amount of such claim, the professionals who provided evaluation, treatment, or counseling
23 and the dates of evaluation, treatment, or counseling and the amount billed by each professional,
24 and whether the amounts have been paid, and if so, by whom.

25 **ANSWER:**

26 Plaintiff incorporates his General Objections above. Plaintiff further objects to this
27 request as burdensome, oppressive, harassing, and abusive of the discovery process to the extent
28 the interrogatory, individually and cumulatively, calls for the disclosure of information that is

not relevant to any contentions and allegations in the Complaint. Plaintiff further objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, oppressive, and irrelevant to any party's claim or defense and proportional to the needs of the case. Plaintiff objects to this Interrogatory because it requests information that is privileged under the psychotherapist-patient privilege.

Subject to, and without waiving the foregoing objections, Plaintiff responds as follows:

- Blair Osborn, Therapist
 - SeaMar - CSNW Behavioral Health
 - 317 E 39th Street, Vancouver, Washington, 98663
 - 360-546-1722
 - On or about February 2020
 - Anxiety, depression, PTSD
 - Insurance pays about 40% - Blue Cross Blue Shield

REQUEST FOR PRODUCTION NO. 6.: Please produce, for inspection and copying, all journals, diaries, notes, emails, or other written or recorded recollection of events in which you recorded events, thoughts, or ideas concerning Clark County and/or any of its current or former employees, your employment or application for employment at Clark County or elsewhere, or other events that have transpired in your life since January 1, 2015.

RESPONSE:

Plaintiff asserts all the General Objections listed above. In particular, Plaintiff objects that this Request is overbroad and unduly burdensome, in that it specifies no time period for the documents sought. Plaintiff objects to the Request to the extent that it seeks information which is privileged under attorney-client privilege and/or protected from disclosure under the work-product doctrine, including draft reports. Plaintiff objects to the Request to the extent that it seeks information which is confidential and protected by constitutional, statutory, and common law rights to privacy. Plaintiff also objects to the extent that Defendant seeks information already in their possession.

Subject to, and without waiving the foregoing objections, Plaintiff responds that he will

1 produce non-privileged, responsive documents. Plaintiff responds as follows:

- 2 • FWD: CDL Endorsement (July 15, 2019)
- 3 • FWD: CDL Endorsement (July 15, 2019)
- 4 • FWD: Meeting Request CDL Requirements (July 24, 2019)
- 5 • FWD: CDL Meeting Follow-Up (July 30, 2019)
- 6 • FWD: CDL Training Schedule (Aug. 1, 2019)
- 7 • FWD: Appeal of Discrimination and Harassment Decision (June 22, 2020)
- 8 • FWD: Discrimination and Retaliation Complaint (Aug. 18, 2020)
- 9 • FWD: Status on Decision for Discrimination and Harassment (Oct. 5, 2020)
- 10 • FWD: COVID-19 (Oct. 28, 2020)
- 11 • FWD: COVID-19 Guidance (Nov. 16, 2020)
- 12 • Response to Appeal of Discrimination and Harassment (Dec. 10, 2020)
- 13 • Workplace Sign-Up Sheet

14 Plaintiff reserves the right to supplement this answer.

15 **REQUEST FOR PRODUCTION NO. 7.:** Please produce, for inspection and copying,
 16 any e-mails, cards, letters, notes or other correspondence or communication you received,
 17 prepared, sent, or reviewed regarding the following: Isaiah Hutson, Ray Alanis, and/or other
 18 current or former Clark County employees, your employment with Clark County, your claims
 19 against Clark County, or any damages you claim have resulted from your employment with
 20 Clark County.

21 **RESPONSE:**

22 Plaintiff asserts all the General Objections listed above. In particular, Plaintiff objects
 23 that this Request is overbroad and unduly burdensome, in that it specifies no time period for the
 24 documents sought. Plaintiff objects to the Request to the extent that it seeks information which
 25 is privileged under attorney-client privilege and/or protected from disclosure under the work-
 26 product doctrine, including draft reports. Plaintiff objects to the Request to the extent that it
 27 seeks information which is confidential and protected by constitutional, statutory, and common
 28 law rights to privacy. Plaintiff also objects to the extent that Defendant seeks information

1 already in their possession.

2 Subject to, and without waiving the foregoing objections, Plaintiff responds that he will
3 produce non-privileged, responsive documents. Plaintiff responds as follows:

- 4 • FWD: CDL Endorsement (July 15, 2019)
- 5 • FWD: Meeting Request CDL Requirements (July 24, 2019)
- 6 • FWD: CDL Meeting Follow-Up (July 30, 2019)
- 7 • FWD: CDL Training Schedule (Aug. 1, 2019)
- 8 • FWD: Appeal of Discrimination and Harassment Decision (June 22, 2020)
- 9 • FWD: Discrimination and Retaliation Complaint (Aug. 18, 2020)
- 10 • FWD: Status on Decision for Discrimination and Harassment (Oct. 5, 2020)
- 11 • FWD: COVID-19 (Oct. 28, 2020)
- 12 • FWD: COVID-19 Guidance (Nov. 16, 2020)
- 13 • Response to Appeal of Discrimination and Harassment (Dec. 10, 2020)
- 14 • Workplace Sign-Up Sheet

15 Plaintiff reserves the right to supplement this answer.

16 **REQUEST FOR PRODUCTION NO. 8.:** Please produce a true and correct copy of all
17 correspondence, emails, notes, cards, or other documents in your possession between you and
18 any current or former employee of Clark County.

19 **RESPONSE:**

20 Plaintiff asserts all the General Objections listed above. In particular, Plaintiff objects
21 that this Request is overbroad and unduly burdensome, in that it specifies no time period for the
22 documents sought. Plaintiff objects to the Request to the extent that it seeks information which
23 is privileged under attorney-client privilege and/or protected from disclosure under the work-
24 product doctrine, including draft reports. Plaintiff objects to the Request to the extent that it
25 seeks information which is confidential and protected by constitutional, statutory, and common
26 law rights to privacy. Plaintiff also objects to the extent that Defendant seeks information
27 already in their possession. Plaintiff further objects to the extent the Request seeks documents
28 that are irrelevant to any party's claim or defense and proportional to the needs of the case.

1 Subject to, and without waiving the foregoing objections, Plaintiff responds that he will
2 produce non-privileged, responsive documents. Plaintiff responds as follows:

- 3 • FWD: CDL Endorsement (July 15, 2019)
- 4 • FWD: Meeting Request CDL Requirements (July 24, 2019)
- 5 • FWD: CDL Meeting Follow-Up (July 30, 2019)
- 6 • FWD: CDL Training Schedule (Aug. 1, 2019)
- 7 • FWD: Appeal of Discrimination and Harassment Decision (June 22, 2020)
- 8 • FWD: Discrimination and Retaliation Complaint (Aug. 18, 2020)
- 9 • FWD: Status on Decision for Discrimination and Harassment (Oct. 5, 2020)
- 10 • FWD: COVID-19 (Oct. 28, 2020)
- 11 • FWD: COVID-19 Guidance (Nov. 16, 2020)
- 12 • Response to Appeal of Discrimination and Harassment (Dec. 10, 2020)
- 13 • Workplace Sign-Up Sheet

14 Plaintiff reserves the right to supplement this answer.

15 **INTERROGATORY NO. 10.:** Have you ever filed any claim with any federal, state, or
16 local government agency seeking benefits for injury, time loss, disability, unemployment, self-
17 employment, child support, alimony, disability, insurance, social security, unemployment,
18 donation, grant funding, settlement, or any other source since 2010? If so, please state when
19 such claim was filed, where such claim was filed, the claim number (if applicable), and the sum
20 of money has been paid to you in connection with such claim.

21 **ANSWER:**

22 Plaintiff incorporates his General Objections above. Plaintiff further objects to this
23 request as burdensome, oppressive, harassing, and abusive of the discovery process to the extent
24 the interrogatory, individually and cumulatively, calls for the disclosure of information that is
25 not relevant to any contentions and allegations in the Complaint. Also, Plaintiff further objects
26 that this request calls for information that is more readily available to Defendant, including
27 information contained in Defendant's files, and which Plaintiff is therefore not under the
28 obligation to produce. Plaintiff further objects to this interrogatory on the grounds that it is

1 overly broad, unduly burdensome, oppressive, and irrelevant to any party's claim or defense and
 2 proportional to the needs of the case. Plaintiff further objects that this Interrogatory is
 3 overbroad, in that it specifies a longer time period for the documents sought than is at issue in
 4 the complaint. Plaintiff further objects to this question because it seeks information that is
 5 neither relevant to the subject matter of this action nor reasonably calculated to lead to the
 6 discovery of admissible evidence.

7 Subject to, and without waiving the foregoing objections, Plaintiff responds as follows:

- 8 • Unemployment benefits
- 9 • State of Oregon Employment Department
- 10 • Period: July 2014 – December 2014

11 **REQUEST FOR PRODUCTION NO. 9.:** Please produce, for inspection and copying,
 12 any documents related to the claims seeking benefits identified in response to the preceding
 13 Interrogatory.

14 **RESPONSE:**

15 Plaintiff asserts all the General Objections listed above. In particular, Plaintiff objects to
 16 the extent that this Request seeks information that is not relevant to the subject matter or
 17 reasonably calculated to lead to the discovery of admissible evidence. Plaintiff also objects to
 18 the extent that Defendant seeks information already in their possession. Plaintiff further objects
 19 to the extent the Request seeks documents that are irrelevant to any party's claim or defense and
 20 proportional to the needs of the case.

21 Subject to, and without waiving the foregoing objections, Plaintiff responds that after a
 22 diligent search all non-privileged responsive documents in Plaintiff's possession, custody, and
 23 control, Plaintiff responds as follows: Plaintiff does not have documents or copies of his
 24 unemployment benefits received in 2014.

25 **INTERROGATORY NO. 11.:** Have you ever been a party to a criminal or civil
 26 lawsuit? If so, state the nature of the suit, case number, claim, or complaint, the place and/or
 27 court in which said suit, if any, was brought, the date of the claim, and the name and contact
 28 information of your attorney(s). For each civil lawsuit, describe the nature of the claims alleged

1 and outcome of the lawsuit, including a description of the amount of damages recovered, if any.
 2 For each criminal lawsuit, please describe any and all criminal charges brought against Plaintiff
 3 and the outcome of the criminal proceedings, including the penalties imposed and whether,
 4 when, and where Plaintiff was incarcerated for the crime(s).

5 **ANSWER:**

6 Plaintiff incorporates his General Objections above. Plaintiff further objects to this
 7 request as burdensome, oppressive, harassing, and abusive of the discovery process to the extent
 8 the interrogatory, individually and cumulatively, calls for the disclosure of information that is
 9 not relevant to any contentions and allegations in the Complaint. Plaintiff further objects to this
 10 interrogatory on the grounds that it is overly broad, unduly burdensome, oppressive, and
 11 irrelevant to any party's claim or defense and proportional to the needs of the case. Plaintiff
 12 further objects to this question because it seeks information that is neither relevant to the subject
 13 matter of this action nor reasonably calculated to lead to the discovery of admissible evidence.

14 Subject to, and without waiving the foregoing objections, Plaintiff responds as follows:
 15 Plaintiff filed a complaint against ESCO Corporation in Multnomah County Circuit Court, Case
 16 No. 16CV07599, which resolved to the mutual satisfaction of both parties.

17 **REQUEST FOR PRODUCTION NO. 10.:** Please produce any documents or tangible
 18 item that is related to or supports your response to the preceding Interrogatory, including any
 19 filings, deposition transcripts, pleadings, court orders, settlement agreements, or other materials
 20 relating to the litigation or prosecution of each claim.

21 **RESPONSE:**

22 Plaintiff asserts all the General Objections listed above. In particular, Plaintiff objects
 23 that this Request is overbroad and unduly burdensome, in that it specifies no time period for the
 24 documents sought. Plaintiff objects to the extent that this Request seeks information that is not
 25 relevant to the subject matter or reasonably calculated to lead to the discovery of admissible
 26 evidence. Plaintiff also objects to the Request to the extent it is vague, ambiguous, oppressive,
 27 and unduly burdensome. Plaintiff further objects to the extent the Request seeks documents that
 28 are irrelevant to any party's claim or defense and proportional to the needs of the case. Plaintiff

1 responds as follows: Plaintiff does not possess any non-privileged documents.

2 **INTERROGATORY NO. 12.:** Please state each and every fact, including names,
3 addresses and telephone numbers of witnesses with knowledge of such facts, upon which you
4 base your allegation in paragraph 1 of Plaintiff's Complaint that Defendant Clark County
5 discriminated against Plaintiff Peña on the basis of race and national origin. Please include in
6 your response the name, phone number, and address of each witness with knowledge of such
7 facts.

8 **ANSWER:**

9 Plaintiff incorporates his General Objections above as though fully set forth herein.
10 Plaintiff further objects to this request as premature, burdensome, oppressive, harassing, and
11 abusive of the discovery process to the extent the interrogatory, individually and cumulatively,
12 calls for the disclosure of information that supports the contentions and allegations in
13 the Complaint. Contention interrogatories are premature and improper at this juncture of the
14 litigation before discovery has not been completed. Also, Plaintiff objects that this request is
15 premature because the answer depends on information in Defendant's possession. Plaintiff
16 further objects to the extent Defendant seeks information that is readily or more accessible to
17 Defendant from Defendant's own files, from documents or information in Defendant's
18 possession, or from documents or information that Defendant previously produced to Plaintiff,
19 and which Plaintiff is therefore not under the obligation to produce. Plaintiff further objects to
20 this interrogatory on the grounds that it is overly broad, unduly burdensome, oppressive, and
21 irrelevant to any party's claim or defense and proportional to the needs of the case. Plaintiff
22 further objects to this request on the basis that it calls for information protected by the attorney-
23 client privilege and attorney work-product doctrine. Plaintiff objects that this question seeks
24 disclosure of witnesses and information collected by interviews, and therefore violates the
25 attorney work product exemption and seeks information protected by attorney-client privilege.
26 Plaintiff also objects that this question is unduly burdensome, oppressive, and harassing in
27 nature, and/or would require Plaintiff to incur an undue expenditure of money and time to
28 respond to the request for "each and every" person who witnessed Defendant's discrimination.

1 Without waiving these objections, particularly because Plaintiffs are in the process of
2 discovering relevant information, Plaintiff responds that his allegations are in his Complaint,
3 paragraphs 1 to 82. He further responds that, on or about June 2017, a crew chief, when
4 referring to Plaintiff Peña and Plaintiff Hutson moving to a different shed, told the crew “[the]
5 new Trump wall is working because we only have one Mexican left to get rid of.”

6 In the latter part of 2017, Plaintiff’s supervisors began to treat Plaintiff Peña and Plaintiff
7 Hutson with hostility in contrast to their non-Latino colleagues. On or about October 2017,
8 Plaintiff learned that a crew chief said “the County is going to shit because they keep hiring all
9 of these beaners and spics.” Plaintiff Hutson reported the statement to his superintendent, but
10 did not receive any additional response.

11 Through most of 2018, Plaintiffs’ superintendent overly-scrutinized Plaintiffs’ work,
12 especially when they worked as the interim crew chief. Crew chiefs repeatedly encouraged and
13 selected non-Latino employees to fill in as interim crew chief whenever Plaintiffs volunteered
14 for the position.

15 Crew chiefs directed additional racist remarks to and around Plaintiffs. Around the
16 summer of 2018, a former crew chief walked into a break room and said “it’s a good day at the
17 County boys. Trump is kicking out the Mexicans and the cops are killing ni**ers.”

18 Beginning in or around 2019, crew chiefs referred to the primarily Latino crew that
19 included Plaintiffs: the “Manuel labor crew” (replace the English word “manual” with the
20 Spanish name “Manuel”); the “Brown crew”; the “Landscaping crew”; and, that they “work for
21 their White master.”

22 Defendant subjected Plaintiffs to a pattern of additional procedures to obtain additional
23 pay and benefits to which they are entitled that their non-Latino colleagues are not subjected to.
24 Plaintiff experienced differential treatment in pay, which they ultimately resolved in the
25 grievance process. Non-Latino employees appeared to receive the additional pay as a matter of
26 course, however Plaintiffs had to file union grievances to obtain the same earned extra pay.

27 On or about July 2019, a superintendent insisted that Plaintiff Peña’s employment was in
28 jeopardy if he did not obtain a specialized license from the Washington Department of Licensing

1 in an unreasonably short amount of time because Plaintiff Peña could not conceivably complete
2 the pre-requisite training for the license. On information and belief, two non-Latino employees
3 were permitted months to obtain the same license. Plaintiff Peña had to file a union grievance
4 for additional time, which resulted in him having more training time, however, Defendant did
5 not respond to Plaintiff Peña's complaints that the conduct was discriminatory.

6 In the December 2019 and January 2020 meetings with County HR representatives
7 Plaintiff Peña complained that he felt humiliated by supervisors' mistreatment and racist
8 remarks. Plaintiffs shared all of the complaints about discrimination that they had shared during
9 meetings with Defendant's human resources representatives on or about March and April 2020.

10 On or around June 18, 2020, Defendant human resources sent Plaintiff a letter that stated
11 that Defendant's human resources department concluded that "no County policies were
12 violated." Plaintiffs then filed a combined appeal of Defendant's human resources department's
13 decision to dismiss their complaints.

14 On or about July 1, 2020, Plaintiffs Peña and Alanis shared a work truck together. On or
15 around July 3, 2020, Plaintiff Alanis tested positive for COVID-19. On or about July 5, 2020, a
16 superintendent, upon learning that Plaintiff Alanis had tested positive, sent home two non-Latino
17 employees who had worked with Plaintiff Alanis and Plaintiff Peña a few days earlier. Plaintiff
18 Peña informed his supervisor that he had also worked with Plaintiff Alanis so he requested time
19 off to take a COVID-19 test and quarantine, but the supervisor denied Plaintiff Peña's request

20 On or about August 2020, Plaintiff Peña met with Defendant regarding his appeal. He
21 provided all of the complaints above in greater detail. On or about December 10, 2020,
22 Defendant informed Plaintiffs that it did not find a violation of any County policies. Plaintiff
23 exhausted his efforts to remedy the discrimination through the County.

24 On or about February 18, 2021, for multiple days Plaintiffs were subjected to seeing a
25 sign-up sheet for extra work that was posted in a common area in which someone crossed out
26 Latino employee's name and replaced it with "Donald J. Trump." As a result of Defendant's
27 maintenance of a hostile work environment, Plaintiff suffered harm, including emotional
28 distress, in an amount to be determined at trial.

Without waiving these objections, while Plaintiffs are still discovering relevant information, Plaintiff responds that the identities of the potential witnesses are in his Initial Disclosures on pages 2 to 5 and described above in Answer to Interrogatory No. 12. Plaintiff further responds that these witnesses include:

- Union representative Larry Clark
- Union representative Darryl Young
- Isidrio Flores
- Julio Morales
- Andrew Smith
- Kenny Hugo
- Kara Hill
- Mande Lawrence
- Carl Oman
- Ahmad Quayomi
- Micah Passmore
- Eddie Perez
- Gauge Bryant
- Marc Smith

Defendant is in the best position to ascertain the contact information for its current and former employees. Plaintiff reserves the right to supplement this answer.

REQUEST FOR PRODUCTION NO. 11.: Please produce any documents or tangible item that is related to or supports your response to the preceding Interrogatory.

RESPONSE:

Plaintiff asserts all the General Objections listed above. In particular, Plaintiff objects to the Request to the extent that it seeks information which is privileged under attorney-client privilege and/or protected from disclosure under the work-product doctrine, including draft reports. Plaintiff also objects to the extent Defendant seeks documents or information that is readily or more accessible to Defendant from Defendant's own files, from documents or

1 information in Defendant's possession, or from documents or information that Defendant
 2 previously produced to Plaintiff, and which Plaintiff is therefore not under the obligation to
 3 produce.

4 Subject to, and without waiving the foregoing objections, Plaintiff responds that he will
 5 produce non-privileged, responsive documents. Plaintiff responds as follows:

- 6 • FWD: CDL Endorsement (July 15, 2019)
- 7 • FWD: Meeting Request CDL Requirements (July 24, 2019)
- 8 • FWD: CDL Meeting Follow-Up (July 30, 2019)
- 9 • FWD: CDL Training Schedule (Aug. 1, 2019)
- 10 • FWD: Appeal of Discrimination and Harassment Decision (June 22, 2020)
- 11 • FWD: Discrimination and Retaliation Complaint (Aug. 18, 2020)
- 12 • FWD: Status on Decision for Discrimination and Harassment (Oct. 5, 2020)
- 13 • FWD: COVID-19 (Oct. 28, 2020)
- 14 • FWD: COVID-19 Guidance (Nov. 16, 2020)
- 15 • Response to Appeal of Discrimination and Harassment (Dec. 10, 2020)
- 16 • Workplace Sign-Up Sheet

17 Plaintiff reserves the right to supplement this answer.

18 **INTERROGATORY NO. 13.:** Please state each and every fact, including names,
 19 addresses and telephone numbers of witnesses with knowledge of such facts, upon which you
 20 base your allegation in paragraph 59 of the Complaint that “Defendant and its supervisors,
 21 officials, and managers deprive Plaintiffs’ opportunities for extra work and overtime, require
 22 Plaintiffs to file grievances for earned pay, and have provided similarly situated non-Latino
 23 employees additional time to complete job-related requirements.” In your response, please
 24 specify whether you, Plaintiff Peña, are claiming wage loss (past or future) or loss of
 25 compensation as a result of alleged actions by Defendant; state the number of days of work you
 26 claim to have lost; your rate of pay per week or day; and the dates during which you could not
 27 work; the amount of wages or earnings, if any, which you have lost as a result of the alleged
 28 actions by Defendant; and specific opportunities for additional work you have been deprived

1 because of actions by Defendant.

2 **ANSWER:**

3 Plaintiff incorporates his General Objections above as though fully set forth herein.
 4 Plaintiff further objects to this request as premature, burdensome, oppressive, harassing, and
 5 abusive of the discovery process to the extent the interrogatory, individually and cumulatively,
 6 calls for the disclosure of information that supports the contentions and allegations in
 7 the Complaint. Contention interrogatories are premature and improper at this juncture of the
 8 litigation before discovery has not been completed. Also, Plaintiff objects that this request is
 9 premature because the answer depends on information in Defendant's possession. Plaintiff
 10 further objects that this request calls for information that is more readily available to Defendant,
 11 including information contained in Defendant's files, and which Plaintiff is therefore not under
 12 the obligation to produce. Plaintiff further objects to this interrogatory on the grounds that it is
 13 overly broad, unduly burdensome, oppressive, and irrelevant to any party's claim or defense and
 14 proportional to the needs of the case. Plaintiff further objects to this request on the basis that it
 15 calls for information protected by the attorney-client privilege and attorney work-product
 16 doctrine. Plaintiff objects that this question seeks disclosure of witnesses and information
 17 collected by interviews, and therefore violates the attorney work product exemption and seeks
 18 information protected by attorney-client privilege.

19 Without waiving these objections, particularly because Plaintiffs are still discovering
 20 relevant information, Plaintiff responds that his allegations are in his Complaint, paragraphs 1 to
 21 82, and his Answer to Interrogatory No. 12. Plaintiff's may recover wage-related damages,
 22 including back pay for lost promotions or additional pay opportunities that would have garnered
 23 Plaintiff wages into the future.

24 **REQUEST FOR PRODUCTION NO. 12.:** Please produce true and correct copies of
 25 any documents related to or supporting your response to the preceding Interrogatory.

26 **RESPONSE:**

27 Plaintiff asserts all the General Objections listed above. In particular, Plaintiff objects to
 28 the Request to the extent that it seeks information which is privileged under attorney-client

1 privilege and/or protected from disclosure under the work-product doctrine, including draft
 2 reports. Plaintiff also objects to the extent that Defendant seeks information already in their
 3 possession.

4 Subject to, and without waiving the foregoing objections, Plaintiff responds that he will
 5 produce non-privileged, responsive documents. Plaintiff responds as follows:

- 6 • FWD: CDL Endorsement (July 15, 2019)
- 7 • FWD: Meeting Request CDL Requirements (July 24, 2019)
- 8 • FWD: CDL Meeting Follow-Up (July 30, 2019)
- 9 • FWD: CDL Training Schedule (Aug. 1, 2019)
- 10 • FWD: Appeal of Discrimination and Harassment Decision (June 22, 2020)
- 11 • FWD: Discrimination and Retaliation Complaint (Aug. 18, 2020)
- 12 • FWD: Status on Decision for Discrimination and Harassment (Oct. 5, 2020)
- 13 • FWD: COVID-19 (Oct. 28, 2020)
- 14 • FWD: COVID-19 Guidance (Nov. 16, 2020)
- 15 • Response to Appeal of Discrimination and Harassment (Dec. 10, 2020)
- 16 • Workplace Sign-Up Sheet

17 Plaintiff reserves the right to supplement this answer.

18 **INTERROGATORY NO. 14.:** Please state all the facts, including names, addresses
 19 and telephone numbers of witnesses with knowledge of such facts, supporting your allegations in
 20 paragraph 8 of your Complaint that Roads Division supervisors and employees subject Plaintiffs
 21 to anti-Latino remarks and conduct, including racial jokes and insults about Latinos and
 22 immigrants and “Roads Division supervisors and employees have referred to Latinos as
 23 ‘beaners,’ ‘spics,’ and ‘a cancer.’” In your response, describe specific instances where you,
 24 Plaintiff Peña, were subjected to such remarks and conduct and include a detailed description of
 25 the conduct, the identify the date that such conduct occurred, and state the name and contact
 26 information for each individual who you claim engaged in such conduct. For each instance
 27 identified, please explain whether you reported the incident, and please set forth the identity of
 28 each individual to whom you reported the incident, the date the instance was reported, and the

1 circumstances of the report.

2 **ANSWER:**

3 Plaintiff incorporates his General Objections above as though fully set forth herein.
 4 Plaintiff further objects to this request as premature, burdensome, oppressive, harassing, and
 5 abusive of the discovery process to the extent the interrogatory, individually and cumulatively,
 6 calls for the disclosure of information that supports the contentions and allegations in
 7 the Complaint. Contention interrogatories are premature and improper at this juncture of the
 8 litigation before discovery has not been completed. Also, Plaintiff objects that this request is
 9 premature because the answer depends on information in Defendant's possession. Plaintiff
 10 further objects that this request calls for information that is more readily available to Defendant,
 11 including information contained in Defendant's files, and which Plaintiff is therefore not under
 12 the obligation to produce. Plaintiff further objects to this interrogatory on the grounds that it is
 13 overly broad, unduly burdensome, oppressive, and disproportional to the needs of the case.
 14 Plaintiff further objects to this request on the basis that it calls for information protected by the
 15 attorney-client privilege and attorney work-product doctrine. Plaintiff objects that this question
 16 seeks disclosure of witnesses and information collected by interviews, and therefore violates the
 17 attorney work product exemption and seeks information protected by attorney-client privilege.
 18 Plaintiff also objects that this question is unduly burdensome, oppressive, and harassing in
 19 nature, and/or would require Plaintiff to incur an undue expenditure of money and time to
 20 respond to the request for every person who witnessed Defendant's discrimination.

21 Without waiving these objections, particularly because Plaintiffs are still discovering
 22 relevant information, Plaintiff responds that his allegations are in his Complaint, paragraphs 1 to
 23 82 and described above in Answer to Interrogatory No. 12. Defendant is in the best position to
 24 ascertain the contact information for its current and former employees. Plaintiff reserves the
 25 right to supplement this answer.

26 **REQUEST FOR PRODUCTION NO. 13.:** Please produce true and correct copies of
 27 any documents or tangible items related to or supporting your response to the preceding
 28 Interrogatory.

RESPONSE:

Plaintiff asserts all the General Objections listed above. In particular, Plaintiff objects to the Request to the extent that it seeks information which is privileged under attorney-client privilege and/or protected from disclosure under the work-product doctrine, including draft reports. Plaintiff also objects to the extent that Defendant seeks information already in their possession.

Subject to, and without waiving the foregoing objections, Plaintiff responds that he will produce non-privileged, responsive documents. Plaintiff responds as follows:

- FWD: Appeal of Discrimination and Harassment Decision (June 22, 2020)
- FWD: Discrimination and Retaliation Complaint (Aug. 18, 2020)
- FWD: Status on Decision for Discrimination and Harassment (Oct. 5, 2020)
- Response to Appeal of Discrimination and Harassment (Dec. 10, 2020)
- Workplace Sign-Up Sheet

Plaintiff reserves the right to supplement this answer.

INTERROGATORY NO. 15.: Please state all the facts, including names, addresses and telephone numbers of witnesses with knowledge of such facts, supporting your allegations in paragraph 9 of your Complaint that Roads Division supervisors and employees have made remarks and insults that are “intertwined with threats of violence against Latinos and immigrants.” In your response, describe specific instances where you, Plaintiff Peña, were subjected to such remarks and conduct and include a detailed description of the conduct, the identify the date that such conduct occurred, and state the name and contact information for each individual who you claim engaged in such conduct. For each instance identified, please explain whether you reported the incident, and please set forth the identity of each individual to whom you reported the incident, the date the instance was reported, and the circumstances of the report.

ANSWER:

Plaintiff incorporates his General Objections above as though fully set forth herein. Plaintiff further objects to this request as premature, burdensome, oppressive, harassing, and abusive of the discovery process to the extent the interrogatory, individually and cumulatively,

1 calls for the disclosure of information that supports the contentions and allegations in
 2 the Complaint. Contention interrogatories are premature and improper at this juncture of the
 3 litigation before discovery has not been completed. Also, Plaintiff objects that this request is
 4 premature because the answer depends on information in Defendant's possession. Plaintiff
 5 further objects that this request calls for information that is more readily available to Defendant,
 6 including information contained in Defendant's files, and which Plaintiff is therefore not under
 7 the obligation to produce. Plaintiff further objects to this interrogatory on the grounds that it is
 8 overly broad, unduly burdensome, oppressive, and disproportional to the needs of the case.
 9 Plaintiff further objects to this request on the basis that it calls for information protected by the
 10 attorney-client privilege and attorney work-product doctrine. Plaintiff objects that this question
 11 seeks disclosure of witnesses and information collected by interviews, and therefore violates the
 12 attorney work product exemption and seeks information protected by attorney-client privilege.
 13 Plaintiff also objects that this question is unduly burdensome, oppressive, and harassing in
 14 nature, and/or would require Plaintiff to incur an undue expenditure of money and time to
 15 respond to the request for every person who witnessed Defendant's discrimination.

16 Without waiving these objections, particularly because Plaintiffs are still discovering
 17 relevant information, Plaintiff responds that his allegations are in his Complaint, paragraphs 1 to
 18 82 and described above in Answer to Interrogatory No. 12. Defendant is in the best position to
 19 ascertain the contact information for its current and former employees. Plaintiff reserves the
 20 right to supplement this answer.

21 **REQUEST FOR PRODUCTION NO. 14.:** Please produce true and correct copies of
 22 any documents or tangible items related to or supporting your response to the preceding
 23 Interrogatory.

24 **RESPONSE:**

25 Plaintiff asserts all the General Objections listed above. In particular, Plaintiff objects to
 26 the Request to the extent that it seeks information which is privileged under attorney-client
 27 privilege and/or protected from disclosure under the work-product doctrine, including draft
 28 reports. Plaintiff also objects to the extent that Defendant seeks information already in their

1 possession.

2 Subject to, and without waiving the foregoing objections, Plaintiff responds that he will
3 produce non-privileged, responsive documents. Plaintiff responds as follows:

- 4 • FWD: Appeal of Discrimination and Harassment Decision (June 22, 2020)
- 5 • FWD: Discrimination and Retaliation Complaint (Aug. 18, 2020)
- 6 • FWD: Status on Decision for Discrimination and Harassment (Oct. 5, 2020)
- 7 • Response to Appeal of Discrimination and Harassment (Dec. 10, 2020)
- 8 • Workplace Sign-Up Sheet

9 Plaintiff reserves the right to supplement this answer.

10 **INTERROGATORY NO. 16.:** Please state all the facts, including names, addresses
11 and telephone numbers of witnesses with knowledge of such facts, supporting your allegations in
12 paragraph 12 of your Complaint that Roads Division supervisors and employees refer to
13 Plaintiffs as the “landscaping crew,” “Manuel labor crew,” the “brown crew,” and that Plaintiffs
14 work for their “White slave master” because they are Latino. In your response, describe
15 specific instances where you, Plaintiff Peña, were subjected to such remarks and conduct and
16 include a detailed description of the conduct, the identify the date that such conduct occurred,
17 and state the name and contact information for each individual who you claim engaged in such
18 conduct. For each instance identified, please explain whether you reported the incident, and
19 please set forth the identity of each individual to whom you reported the incident, the date the
20 instance was reported, and the circumstances of the report.

21 **ANSWER:**

22 Plaintiff incorporates his General Objections above as though fully set forth herein.
23 Plaintiff further objects to this request as premature, burdensome, oppressive, harassing, and
24 abusive of the discovery process to the extent the interrogatory, individually and cumulatively,
25 calls for the disclosure of information that supports the contentions and allegations in
26 the Complaint. Contention interrogatories are premature and improper at this juncture of the
27 litigation before discovery has not been completed. Also, Plaintiff objects that this request is
28 premature because the answer depends on information in Defendant’s possession. Plaintiff

1 further objects that this request calls for information that is more readily available to Defendant,
 2 including information contained in Defendant's files, and which Plaintiff is therefore not under
 3 the obligation to produce. Plaintiff further objects to this interrogatory on the grounds that it is
 4 overly broad, unduly burdensome, oppressive, and disproportional to the needs of the case.
 5 Plaintiff further objects to this request on the basis that it calls for information protected by the
 6 attorney-client privilege and attorney work-product doctrine. Plaintiff objects that this question
 7 seeks disclosure of witnesses and information collected by interviews, and therefore violates the
 8 attorney work product exemption and seeks information protected by attorney-client privilege.
 9 Plaintiff also objects that this question is unduly burdensome, oppressive, and harassing in
 10 nature, and/or would require Plaintiff to incur an undue expenditure of money and time to
 11 respond to the request for every person who witnessed Defendant's discrimination.

12 Without waiving these objections, particularly because Plaintiffs are still discovering
 13 relevant information, Plaintiff responds that his allegations are in his Complaint, paragraphs 1 to
 14 82 and described above in Answer to Interrogatory No. 12. Defendant is in the best position to
 15 ascertain the contact information for its current and former employees. Plaintiff reserves the
 16 right to supplement this answer.

17 **REQUEST FOR PRODUCTION NO. 15.:** Please produce true and correct copies of
 18 any documents or tangible items related to or supporting your response to the preceding
 19 Interrogatory.

20 **RESPONSE:**

21 Plaintiff asserts all the General Objections listed above. In particular, Plaintiff objects to
 22 the Request to the extent that it seeks information which is privileged under attorney-client
 23 privilege and/or protected from disclosure under the work-product doctrine, including draft
 24 reports. Plaintiff also objects to the extent that Defendant seeks information already in their
 25 possession.

26 Subject to, and without waiving the foregoing objections, Plaintiff responds that he will
 27 produce non-privileged, responsive documents. Plaintiff responds as follows:

- 28 • FWD: Appeal of Discrimination and Harassment Decision (June 22, 2020)

- 1 • FWD: Discrimination and Retaliation Complaint (Aug. 18, 2020)
- 2 • FWD: Status on Decision for Discrimination and Harassment (Oct. 5, 2020)
- 3 • Response to Appeal of Discrimination and Harassment (Dec. 10, 2020)
- 4 • Workplace Sign-Up Sheet

5 Plaintiff reserves the right to supplement this answer.

6 **INTERROGATORY NO. 17.**: Please state all the facts, including names, addresses
 7 and telephone numbers of witnesses with knowledge of such facts, supporting your allegations in
 8 paragraph 13 of your Complaint that Roads Division employees make racial remarks, display
 9 derogatory images, and write insulting messages in public areas that humiliate or demean Latino
 10 employees, including Plaintiffs. In your response, describe specific instances where you,
 11 Plaintiff Peña, were subjected to such remarks and conduct and include a detailed description of
 12 the conduct, the identify the date that such conduct occurred, and state the name and contact
 13 information for each individual who you claim engaged in such conduct. For each instance
 14 identified, please explain whether you reported the incident, and please set forth the identity of
 15 each individual to whom you reported the incident, the date the instance was reported, and the
 16 circumstances of the report.

17 **ANSWER:**

18 Plaintiff incorporates his General Objections above as though fully set forth herein.
 19 Plaintiff further objects to this request as premature, burdensome, oppressive, harassing, and
 20 abusive of the discovery process to the extent the interrogatory, individually and cumulatively,
 21 calls for the disclosure of information that supports the contentions and allegations in
 22 the Complaint. Contention interrogatories are premature and improper at this juncture of the
 23 litigation before discovery has not been completed. Also, Plaintiff objects that this request is
 24 premature because the answer depends on information in Defendant's possession. Plaintiff
 25 further objects that this request calls for information that is more readily available to Defendant,
 26 including information contained in Defendant's files, and which Plaintiff is therefore not under
 27 the obligation to produce. Plaintiff further objects to this interrogatory on the grounds that it is
 28 overly broad, unduly burdensome, oppressive, and disproportional to the needs of the case.

1 Plaintiff further objects to this request on the basis that it calls for information protected by the
 2 attorney-client privilege and attorney work-product doctrine. Plaintiff objects that this question
 3 seeks disclosure of witnesses and information collected by interviews, and therefore violates the
 4 attorney work product exemption and seeks information protected by attorney-client privilege.
 5 Plaintiff also objects that this question is unduly burdensome, oppressive, and harassing in
 6 nature, and/or would require Plaintiff to incur an undue expenditure of money and time to
 7 respond to the request for every person who witnessed Defendant's discrimination.

8 Without waiving these objections, particularly because Plaintiffs are still discovering
 9 relevant information, Plaintiff responds that his allegations are in his Complaint, paragraphs 1 to
 10 82 and described above in Answer to Interrogatory No. 12. Defendant is in the best position to
 11 ascertain the contact information for its current and former employees. Plaintiff reserves the
 12 right to supplement this answer.

13 **REQUEST FOR PRODUCTION NO. 16.:** Please produce true and correct copies of
 14 any documents or tangible items related to or supporting your response to the two preceding
 15 Interrogatory.

16 **RESPONSE:**

17 Plaintiff asserts all the General Objections listed above. In particular, Plaintiff objects to
 18 the Request to the extent that it seeks information which is privileged under attorney-client
 19 privilege and/or protected from disclosure under the work-product doctrine, including draft
 20 reports. Plaintiff also objects to the extent that Defendant seeks information already in their
 21 possession.

22 Subject to, and without waiving the foregoing objections, Plaintiff responds that he will
 23 produce non-privileged, responsive documents. Plaintiff responds as follows:

- 24 • FWD: Appeal of Discrimination and Harassment Decision (June 22, 2020)
- 25 • FWD: Discrimination and Retaliation Complaint (Aug. 18, 2020)
- 26 • FWD: Status on Decision for Discrimination and Harassment (Oct. 5, 2020)
- 27 • Response to Appeal of Discrimination and Harassment (Dec. 10, 2020)
- 28 • Workplace Sign-Up Sheet

1 Plaintiff reserves the right to supplement this answer.

2 **REQUEST FOR PRODUCTION NO. 17.:** Please attach copies of any statements of
 3 any witnesses to the incidents alleged by your Complaint to the answers to these Interrogatories,
 4 including letters, emails, notes, recordings, or other tangible evidence of statements made by
 5 witnesses to the incidents or damages alleged in your Complaint.

6 **RESPONSE:**

7 Plaintiff asserts all the General Objections listed above. In particular, Plaintiff objects to
 8 the Request to the extent that it seeks information which is privileged under attorney-client
 9 privilege and/or protected from disclosure under the work-product doctrine, including draft
 10 reports. Plaintiff also objects to the extent that Defendant seeks information already in their
 11 possession.

12 Subject to, and without waiving the foregoing objections, Plaintiff responds that he will
 13 produce non-privileged, responsive documents. Plaintiff responds as follows:

- 14 • FWD: CDL Endorsement (July 15, 2019)
- 15 • FWD: Meeting Request CDL Requirements (July 24, 2019)
- 16 • FWD: CDL Meeting Follow-Up (July 30, 2019)
- 17 • FWD: CDL Training Schedule (Aug. 1, 2019)
- 18 • FWD: Appeal of Discrimination and Harassment Decision (June 22, 2020)
- 19 • FWD: Discrimination and Retaliation Complaint (Aug. 18, 2020)
- 20 • FWD: Status on Decision for Discrimination and Harassment (Oct. 5, 2020)
- 21 • FWD: COVID-19 (Oct. 28, 2020)
- 22 • FWD: COVID-19 Guidance (Nov. 16, 2020)
- 23 • Response to Appeal of Discrimination and Harassment (Dec. 10, 2020)
- 24 • Workplace Sign-Up Sheet

25 Plaintiff reserves the right to supplement this answer.

26 **INTERROGATORY NO. 18.:** Please state all the facts, including names, addresses
 27 and telephone numbers of witnesses with knowledge of such facts, supporting your allegation in
 28 paragraphs 20-39 of your Complaint that Defendant and its supervisors and employees subjected

you to a pattern of discriminatory harassment that has lasted more than three years. Describe with specificity the dates and circumstances of each act or incident you believe contributed to or constituted a hostile work environment for you, Plaintiff Peña. Include in your response the identity of each individual who was involved in the acts or incidents identified, the date such act or incident occurred, and the terms and conditions of employment that were affected. For each instance identified, please explain whether you reported the incident, and please set forth the identity of each individual to whom you reported the incident, the date the instance was reported, and the circumstances of the report.

ANSWER:

Plaintiff incorporates his General Objections above as though fully set forth herein. Plaintiff further objects to this request as premature, burdensome, oppressive, harassing, and abusive of the discovery process to the extent the interrogatory, individually and cumulatively, calls for the disclosure of information that supports the contentions and allegations in the Complaint. Contention interrogatories are premature and improper at this juncture of the litigation before discovery has not been completed. Also, Plaintiff objects that this request is premature because the answer depends on information in Defendant's possession. Plaintiff further objects that this request calls for information that is more readily available to Defendant, including information contained in Defendant's files, and which Plaintiff is therefore not under the obligation to produce. Plaintiff further objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, oppressive, and disproportional to the needs of the case. Plaintiff further objects to this request on the basis that it calls for information protected by the attorney-client privilege and attorney work-product doctrine. Plaintiff objects that this question seeks disclosure of witnesses and information collected by interviews, and therefore violates the attorney work product exemption and seeks information protected by attorney-client privilege. Plaintiff also objects that this question is unduly burdensome, oppressive, and harassing in nature, and/or would require Plaintiff to incur an undue expenditure of money and time to respond to the request for every person who witnessed Defendant's discrimination. Without waiving these objections, particularly because Plaintiffs are still discovering relevant

1 information, Plaintiff responds that his allegations are in his Complaint, paragraphs 1 to 82 and
 2 described above in Answer to Interrogatory No. 12. Defendant is in the best position to ascertain
 3 the contact information for its current and former employees. Plaintiff reserves the right to
 4 supplement this answer.

5 **REQUEST FOR PRODUCTION NO. 18.:** Please produce true and correct copies of
 6 any documents or tangible items related to or supporting your response to the preceding
 7 Interrogatory.

8 **RESPONSE:**

9 Plaintiff asserts all the General Objections listed above. In particular, Plaintiff objects to
 10 the Request to the extent that it seeks information which is privileged under attorney-client
 11 privilege and/or protected from disclosure under the work-product doctrine, including draft
 12 reports. Plaintiff also objects to the extent that Defendant seeks information already in their
 13 possession.

14 Subject to, and without waiving the foregoing objections, Plaintiff responds that he will
 15 produce non-privileged, responsive documents. Plaintiff responds as follows:

- 16 • FWD: CDL Endorsement (July 15, 2019)
- 17 • FWD: Meeting Request CDL Requirements (July 24, 2019)
- 18 • FWD: CDL Meeting Follow-Up (July 30, 2019)
- 19 • FWD: CDL Training Schedule (Aug. 1, 2019)
- 20 • FWD: Appeal of Discrimination and Harassment Decision (June 22, 2020)
- 21 • FWD: Discrimination and Retaliation Complaint (Aug. 18, 2020)
- 22 • FWD: Status on Decision for Discrimination and Harassment (Oct. 5, 2020)
- 23 • FWD: COVID-19 (Oct. 28, 2020)
- 24 • FWD: COVID-19 Guidance (Nov. 16, 2020)
- 25 • Response to Appeal of Discrimination and Harassment (Dec. 10, 2020)
- 26 • Workplace Sign-Up Sheet

27 Plaintiff reserves the right to supplement this answer.
 28

1 **INTERROGATORY NO. 19.:** Please state all the facts, including names, addresses
 2 and telephone numbers of witnesses with knowledge of such facts, supporting your allegation in
 3 paragraph 15 of your Complaint that you complained of discriminatory treatment and Defendant
 4 failed to investigate such claims. Include in your response the identity of each individual you
 5 allege you complained to, the date and nature of such interaction, and the date and nature of each
 6 complaint for which you allege you were discriminated against.

7 **ANSWER:**

8 Plaintiff incorporates his General Objections above as though fully set forth herein.
 9 Plaintiff further objects to this request as premature, burdensome, oppressive, harassing, and
 10 abusive of the discovery process to the extent the interrogatory, individually and cumulatively,
 11 calls for the disclosure of information that supports the contentions and allegations in
 12 the Complaint. Contention interrogatories are premature and improper at this juncture of the
 13 litigation before discovery has not been completed. Also, Plaintiff objects that this request is
 14 premature because the answer depends on information in Defendant's possession. Plaintiff
 15 further objects that this request calls for information that is more readily available to Defendant,
 16 including information contained in Defendant's files, and which Plaintiff is therefore not under
 17 the obligation to produce. Plaintiff further objects to this interrogatory on the grounds that it is
 18 overly broad, unduly burdensome, oppressive, and disproportional to the needs of the case.
 19 Plaintiff further objects to this request on the basis that it calls for information protected by the
 20 attorney-client privilege and attorney work-product doctrine. Plaintiff objects that this question
 21 seeks disclosure of witnesses and information collected by interviews, and therefore violates the
 22 attorney work product exemption and seeks information protected by attorney-client privilege.
 23 Plaintiff also objects that this question is unduly burdensome, oppressive, and harassing in
 24 nature, and/or would require Plaintiff to incur an undue expenditure of money and time to
 25 respond to the request for every person who witnessed Defendant's discrimination.

26 Without waiving these objections, particularly because Plaintiffs are still discovering
 27 relevant information, Plaintiff responds that his allegations are in his Complaint, paragraphs 1 to
 28 82 and described above in Answer to Interrogatory No. 12. Defendant is in the best position to

ascertain the contact information for its current and former employees. Plaintiff reserves the right to supplement this answer.

REQUEST FOR PRODUCTION NO. 19.: Please produce true and correct copies of any documents or tangible items related to or supporting your response to the two preceding Interrogatories.

RESPONSE:

Plaintiff asserts all the General Objections listed above. In particular, Plaintiff objects to the Request to the extent that it seeks information which is privileged under attorney-client privilege and/or protected from disclosure under the work-product doctrine, including draft reports. Plaintiff also objects to the extent that Defendant seeks information already in their possession.

Subject to, and without waiving the foregoing objections, Plaintiff responds that he will produce non-privileged, responsive documents. Plaintiff responds as follows:

- FWD: CDL Endorsement (July 15, 2019)
- FWD: Meeting Request CDL Requirements (July 24, 2019)
- FWD: CDL Meeting Follow-Up (July 30, 2019)
- FWD: CDL Training Schedule (Aug. 1, 2019)
- FWD: Appeal of Discrimination and Harassment Decision (June 22, 2020)
- FWD: Discrimination and Retaliation Complaint (Aug. 18, 2020)
- FWD: Status on Decision for Discrimination and Harassment (Oct. 5, 2020)
- FWD: COVID-19 (Oct. 28, 2020)
- FWD: COVID-19 Guidance (Nov. 16, 2020)
- Response to Appeal of Discrimination and Harassment (Dec. 10, 2020)
- Workplace Sign-Up Sheet

Plaintiff reserves the right to supplement this answer.

INTERROGATORY NO. 20.: Please state all the facts, including names, addresses and telephone numbers of witnesses with knowledge of such facts, supporting your allegation in paragraphs 40-55 of your Complaint that Defendant subjected you, Plaintiff Peña, to a pattern of

1 disparate treatment and adverse action in the Roads Division on account of your race and
2 national origin that materially affected the compensation, terms, conditions, or privileges of your
3 employment. Describe with specificity the dates and circumstances of each act or incident you
4 believe constituted acts of disparate treatment or adverse action. Include in your response the
5 identity of each individual who was involved in the acts or incidents identified, the date such act
6 or incident occurred, and the terms and conditions of your employment that were affected, if
7 any. For each instance identified, please explain whether you reported the incident, and please
8 set forth the identity of each individual to whom you reported the incident, the date the instance
9 was reported, and the circumstances of the report.

10 **ANSWER:**

11 Plaintiff incorporates his General Objections above as though fully set forth herein.
12 Plaintiff further objects to this request as premature, burdensome, oppressive, harassing, and
13 abusive of the discovery process to the extent the interrogatory, individually and cumulatively,
14 calls for the disclosure of information that supports the contentions and allegations in
15 the Complaint. Contention interrogatories are premature and improper at this juncture of the
16 litigation before discovery has not been completed. Also, Plaintiff objects that this request is
17 premature because the answer depends on information in Defendant's possession. Plaintiff
18 further objects that this request calls for information that is more readily available to Defendant,
19 including information contained in Defendant's files, and which Plaintiff is therefore not under
20 the obligation to produce. Plaintiff further objects to this interrogatory on the grounds that it is
21 overly broad, unduly burdensome, oppressive, and disproportional to the needs of the case.
22 Plaintiff further objects to this request on the basis that it calls for information protected by the
23 attorney-client privilege and attorney work-product doctrine. Plaintiff objects that this question
24 seeks disclosure of witnesses and information collected by interviews, and therefore violates the
25 attorney work product exemption and seeks information protected by attorney-client privilege.
26 Plaintiff also objects that this question is unduly burdensome, oppressive, and harassing in
27 nature, and/or would require Plaintiff to incur an undue expenditure of money and time to
28 respond to the request for every person who witnessed Defendant's discrimination.

Without waiving these objections, particularly because Plaintiffs are still discovering relevant information, Plaintiff responds that his allegations are in his Complaint, paragraphs 1 to 82 and described above in Answer to Interrogatory No. 12. Defendant is in the best position to ascertain the contact information for its current and former employees. Plaintiff reserves the right to supplement this answer.

REQUEST FOR PRODUCTION NO. 20. Please produce true and correct copies of any documents or tangible items related to or supporting your response to the preceding interrogatory.

RESPONSE:

Plaintiff asserts all the General Objections listed above. In particular, Plaintiff objects to the Request to the extent that it seeks information which is privileged under attorney-client privilege and/or protected from disclosure under the work-product doctrine, including draft reports. Plaintiff also objects to the extent that Defendant seeks information already in their possession.

Subject to, and without waiving the foregoing objections, Plaintiff responds that he will produce non-privileged, responsive documents. Plaintiff responds as follows:

- FWD: CDL Endorsement (July 15, 2019)
- FWD: Meeting Request CDL Requirements (July 24, 2019)
- FWD: CDL Meeting Follow-Up (July 30, 2019)
- FWD: CDL Training Schedule (Aug. 1, 2019)
- FWD: Appeal of Discrimination and Harassment Decision (June 22, 2020)
- FWD: Discrimination and Retaliation Complaint (Aug. 18, 2020)
- FWD: Status on Decision for Discrimination and Harassment (Oct. 5, 2020)
- FWD: COVID-19 (Oct. 28, 2020)
- FWD: COVID-19 Guidance (Nov. 16, 2020)
- Response to Appeal of Discrimination and Harassment (Dec. 10, 2020)
- Workplace Sign-Up Sheet

Plaintiff reserves the right to supplement this answer.

INTERROGATORY NO. 21.: Please describe in detail specific facts—including names, addresses and telephone numbers of witnesses with knowledge of such facts and descriptions of specific County practices, policies, and customs—that you believe support your allegation in paragraph 61 of the Complaint that “Defendant intentionally discriminates against Plaintiffs when Defendant enforces its official practice, policy, and/or custom that treats Latinos differently than similarly situated non-Latino employees.” Please include in your response the names of “similarly situated non-Latino employees” you allege were treated differently than you, the official practice, policy, or custom under which they were treated differently than you, and the name of each individual you allege engaged in such conduct with regard to you.

ANSWER:

Plaintiff incorporates his General Objections above as though fully set forth herein. Plaintiff further objects to this request as premature, burdensome, oppressive, harassing, and abusive of the discovery process to the extent the interrogatory, individually and cumulatively, calls for the disclosure of information that supports the contentions and allegations in the Complaint. Contention interrogatories are premature and improper at this juncture of the litigation before discovery has not been completed. Also, Plaintiff objects that this request is premature because the answer depends on information in Defendant’s possession. Plaintiff further objects that this request calls for information that is more readily available to Defendant, including information contained in Defendant’s files, and which Plaintiff is therefore not under the obligation to produce. Plaintiff further objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, oppressive, and disproportional to the needs of the case. Plaintiff further objects to this request on the basis that it calls for information protected by the attorney-client privilege and attorney work-product doctrine. Plaintiff objects that this question seeks disclosure of witnesses and information collected by interviews, and therefore violates the attorney work product exemption and seeks information protected by attorney-client privilege. Plaintiff also objects that this question is unduly burdensome, oppressive, and harassing in nature, and/or would require Plaintiff to incur an undue expenditure of money and time to respond to the request for every person who witnessed Defendant’s discrimination.

Without waiving these objections, particularly because Plaintiffs are still discovering relevant information, Plaintiff responds that his allegations are in his Complaint, paragraphs 1 to 82 and described above in Answer to Interrogatory No. 12. Defendant is in the best position to ascertain the contact information for its current and former employees. Plaintiff reserves the right to supplement this answer.

REQUEST FOR PRODUCTION NO. 21. Please produce true and correct copies of any documents or tangible items related to or supporting your response to the preceding Interrogatory.

RESPONSE:

Plaintiff asserts all the General Objections listed above. In particular, Plaintiff objects to the Request to the extent that it seeks information which is privileged under attorney-client privilege and/or protected from disclosure under the work-product doctrine, including draft reports. Plaintiff also objects to the extent that Defendant seeks information already in their possession.

Subject to, and without waiving the foregoing objections, Plaintiff responds that he will produce non-privileged, responsive documents. Plaintiff responds as follows:

- FWD: CDL Endorsement (July 15, 2019)
- FWD: Meeting Request CDL Requirements (July 24, 2019)
- FWD: CDL Meeting Follow-Up (July 30, 2019)
- FWD: CDL Training Schedule (Aug. 1, 2019)
- FWD: Appeal of Discrimination and Harassment Decision (June 22, 2020)
- FWD: Discrimination and Retaliation Complaint (Aug. 18, 2020)
- FWD: Status on Decision for Discrimination and Harassment (Oct. 5, 2020)
- FWD: COVID-19 (Oct. 28, 2020)
- FWD: COVID-19 Guidance (Nov. 16, 2020)
- Response to Appeal of Discrimination and Harassment (Dec. 10, 2020)
- Workplace Sign-Up Sheet

Plaintiff reserves the right to supplement this answer.

1 **INTERROGATORY NO. 22.**: Please state all the facts, including names, addresses
 2 and telephone numbers of witnesses with knowledge of such facts, supporting your allegation in
 3 paragraph 43 that you were denied the same process and benefits afforded to non-Latino
 4 employees when you were exposed to another Clark County employee who was diagnosed with
 5 COVID-19. Include in your answer the source of your knowledge regarding processes and
 6 benefits afforded to non-Latino employees as addressed in paragraph 43 of the Complaint.

7 **ANSWER:**

8 Plaintiff incorporates his General Objections above as though fully set forth herein.
 9 Plaintiff further objects to this request as premature, burdensome, oppressive, harassing, and
 10 abusive of the discovery process to the extent the interrogatory, individually and cumulatively,
 11 calls for the disclosure of information that supports the contentions and allegations in
 12 the Complaint. Contention interrogatories are premature and improper at this juncture of the
 13 litigation before discovery has not been completed. Also, Plaintiff objects that this request is
 14 premature because the answer depends on information in Defendant's possession. Plaintiff
 15 further objects that this request calls for information that is more readily available to Defendant,
 16 including information contained in Defendant's files, and which Plaintiff is therefore not under
 17 the obligation to produce. Plaintiff further objects to this interrogatory on the grounds that it is
 18 overly broad, unduly burdensome, oppressive, and disproportional to the needs of the case.
 19 Plaintiff further objects to this request on the basis that it calls for information protected by the
 20 attorney-client privilege and attorney work-product doctrine. Plaintiff objects that this question
 21 seeks disclosure of witnesses and information collected by interviews, and therefore violates the
 22 attorney work product exemption and seeks information protected by attorney-client privilege.
 23 Plaintiff also objects that this question is unduly burdensome, oppressive, and harassing in
 24 nature, and/or would require Plaintiff to incur an undue expenditure of money and time to
 25 respond to the request for every person who witnessed Defendant's discrimination.

26 Without waiving these objections, particularly because Plaintiffs are still discovering
 27 relevant information, Plaintiff responds that his allegations are in his Complaint, paragraphs 1 to
 28 82 and described above in Answer to Interrogatory No. 12. Defendant is in the best position to

ascertain the contact information for its current and former employees. Plaintiff reserves the right to supplement this answer.

REQUEST FOR PRODUCTION NO. 22.: Please produce true and correct copies of any documents or tangible items related to or supporting your response to the preceding Interrogatory.

RESPONSE:

Plaintiff asserts all the General Objections listed above. In particular, Plaintiff objects to the Request to the extent that it seeks information which is privileged under attorney-client privilege and/or protected from disclosure under the work-product doctrine, including draft reports. Plaintiff also objects to the extent that Defendant seeks information already in their possession.

Subject to, and without waiving the foregoing objections, Plaintiff responds that he will produce non-privileged, responsive documents. Plaintiff responds as follows:

- FWD: CDL Endorsement (July 15, 2019)
- FWD: Meeting Request CDL Requirements (July 24, 2019)
- FWD: CDL Meeting Follow-Up (July 30, 2019)
- FWD: CDL Training Schedule (Aug. 1, 2019)
- FWD: Appeal of Discrimination and Harassment Decision (June 22, 2020)
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- FWD: Status on Decision for Discrimination and Harassment (Oct. 5, 2020)
- FWD: COVID-19 (Oct. 28, 2020)
- FWD: COVID-19 Guidance (Nov. 16, 2020)
- Response to Appeal of Discrimination and Harassment (Dec. 10, 2020)
- Workplace Sign-Up Sheet

Plaintiff reserves the right to supplement this answer.

INTERROGATORY NO. 23.: Please state the name, address, and telephone number of your five (5) closest friends.

ANSWER:

Plaintiff incorporates his General Objections above. Plaintiff further objects to this request as burdensome, oppressive, harassing, and abusive of the discovery process to the extent the interrogatory, individually and cumulatively, calls for the disclosure of information that is not relevant to any contentions and allegations in the Complaint. Plaintiff further objects that this question invades his right to privacy because it requests information from individuals who are not persons referred to or reference a person in the Complaint. Plaintiff further objects to this question because it seeks information that is neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence. Subject to, and without waiving the foregoing objections, Plaintiff responds as follows:

- Jeremy Fields (Clark County detective)
 - Phone number: 360-721-1964
- Tey Draszt (VA contractor)
 - Phone number: 360-771-7477

Dated: January 14, 2022

MEXICAN AMERICAN LEGAL
DEFENSE AND EDUCATONAL FUND

By: /s/Luis L. Lozada
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Andrés R. Holguin-Flores
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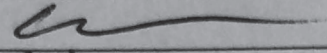
Attorneys for Plaintiffs

VERIFICATION

I, _____, certify and declare under penalty of perjury under 28 U.S.C. §1764 and the laws of the United States of America that the foregoing answers and responses to DEFENDANT CLARK COUNTY'S INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS, SET ONE TO PLAINTIFF _____ are true and correct.

Dated: _____

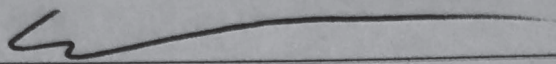
VERIFICATION

I, Elias Peña, certify and declare under penalty of perjury under 28 U.S.C. §1764 and the laws of the United States of America that the foregoing answers and responses to DEFENDANT CLARK COUNTY'S INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS, SET ONE TO PLAINTIFF  are true and correct.

Elias Peña

Dated:

4/13/22



DECLARATION OF SERVICE

I declare under penalty of perjury under the laws of the State of California that on January 14, 2022, a true and correct copy of the foregoing was served upon the parties listed below *via email*:

Attorney for Plaintiffs

Roger M. Townsend
 BRESKIN JOHNSON & TOWNSEND
 PLLC
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Attorneys for Defendant

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 amurphy@kbmlawyers.com
 LWalker@kbmlawyers.com
 LMartin@kbmlawyers.com

DATED this 14th day of January, 2022, in Sacramento, California.

/s/ Susana Contreras

Susana Contreras